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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/373,795	08/13/1999	MARK A. BAKKE	98-127-NSC	2949
51344 7590 01/10/2007 BROOKS KUSHMAN P.C. / STK 1000 TOWN CENTER, TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER CHANNAVAJJALA, SRIRAMA T	
			ART UNIT	PAPER NUMBER
			2166	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/373,795

Applicant(s)

BAKKE ET AL.

Examiner

Srirama Channavajjala

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2006 [Decision on Appeal].
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-20 is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 13 August 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response after "Decision on Appeal"

1. In view of the "***Board of Patent Appeals and Interferences***" decision mailed on 13 September 2006:

Claims 1-10 have been cancelled

Claims 11-15 have been rejected

Claims 16-20 have been "allowed"

2. Claim 16 is allowed for the reasons set forth at page 10, 2nd paragraph of the "Board of Patent Appeals and Interferences", claims 17-20 depends from claim 16 is also allowed.

Drawings

3. The Drawing filed on 8/13/1999 are approved by the Draftsperson under 37CFR 1.84 or 1.152.

Information Disclosure Statement

4. The information disclosure statement filed on 8/13/1999 is in compliance with the provisions of 37 CFR 1.97, and has been considered and a copy was mailed with the previous Office Action.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Berbec et al. [hereafter Berbec], US Patent No. 6,122,631 filed on March 28, 1997 and published on Sept 19,2000.

7. As to claim 11, Berbec teaches a system which including 'A method for accessing a file referenced by a file name [col 1, line 49-52, line 58-61, col 2, line 51-55, fig 1], Berbec is directed to dynamically manage access for the distributed file system [see fig 1], file referenced by a file name corresponds to file system element 108 having hierarchical file system consisting of directories, subdirectories, but also file system typically have pathname, file name and like as detailed in col 2, line 55;

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'sending the file name to a name server' [col 3, line 54-55, line 67, col 4, line 1-4], Berbec specifically teaches NFS or network file system in which file element is created and the server have the access to the files from the file system as detailed in col 3, line 54-55, line 67, line 1-4], it is also noted that Berbec specifically suggests "distributed file system where client and servers connected through a network [see fig 1];

'receiving a file identifier corresponding to the file name from the name server' [col 4, line 47-52], Berbec specifically teaches resource name, pathname particularly, server provides file system information that including file name from which the token back into a file name element 306;

'sending the file identifier to a location server, the location server separate from the name server' [col 6, line 3-7, line 11-14, line 30-35], Berbec specifically teaches finding the specific file identifier related to the token and checks validity and the file system converts file identifier to respective file name and sending to the location server that corresponds to LAN server element 104' which is different from the object server element 106;

'receiving file location information corresponding to the file identifier from the location server' [col 6, line 52-58], Berbec specifically teaches token list containing the specific file identifiers from the LAN server element 104';

'accessing the file using the location information' [col 6, line 58-60], Berbec specifically teaches granting the access request by providing LAN server [location server maintains location information related to file list element 114].

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8. As to claim 12, Berbec disclosed 'each file is stored as at least one file extent, the file identifier comprises a file handle' [col 2, line 33-36], Berbec specifically teaches file handle or descriptor that identifying the specific file.

9. As to claim 13, Berbec disclosed 'each file is represented in storage as an object [col 3, line 5-7], Berbec specifically suggests server fig 1, element 106 uses tokens to the file system to provide controlled access to protected objects element 110; 'each file identifier is an object identifier' [col 3, line 10-13].

10. As to claim 14, Berbec disclosed 'accessing file metadata stored in the location server' [col 4, line 38-45], metadata corresponds to data items associated with the file as detailed in col 4, line 38-45.

11. As to claim 15, Berbec disclosed 'sending the file identifier and a new file name to at least one name server, thereby registering the new name for the file' [col 3, line 10-13, line 54-56].

Conclusion

The prior art made of record

US Patent No. 6,122,631


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

sc
Patent Examiner.
January 5, 2007


SRIRAMA CHANNAVAJJALA
PRIMARY EXAMINER


JAMES DWYER, DIRECTOR
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